

SENATE MOTION

MR. PRESIDENT:

I move that Senate Bill 433 be amended to read as follows:

- 1 Page 1, between lines 6 and 7, begin a new paragraph and insert:
- 2 SECTION 2. IC 25-26-13-2 IS AMENDED TO READ AS
- 3 FOLLOWS: Sec. 2. As used in this chapter:
- 4 "Board" means the Indiana board of pharmacy.
- 5 "Controlled drugs" are those drugs on schedules I through V of the
- 6 Federal Controlled Substances Act or on schedules I through V of
- 7 IC 35-48-2.
- 8 "Counseling" means effective communication between a pharmacist
- 9 and a patient concerning the contents, drug to drug interactions, route,
- 10 dosage, form, directions for use, precautions, and effective use of a
- 11 drug or device to improve the therapeutic outcome of the patient
- 12 through the effective use of the drug or device.
- 13 "Dispensing" means issuing one (1) or more doses of a drug in a
- 14 suitable container with appropriate labeling for subsequent
- 15 administration to or use by a patient.
- 16 "Drug" means:
- 17 (1) articles or substances recognized in the official United States
- 18 Pharmacopoeia, official National Formulary, official
- 19 Homeopathic Pharmacopoeia of the United States, or any
- 20 supplement to any of them;
- 21 (2) articles or substances intended for use in the diagnosis, cure,
- 22 mitigation, treatment, or prevention of disease in man or animals;
- 23 (3) articles other than food intended to affect the structure or any
- 24 function of the body of man or animals; or
- 25 (4) articles intended for use as a component of any article
- 26 specified in subdivisions (1) through (3) and devices.
- 27 "Drug order" means a written order in a hospital or other health care
- 28 institution for an ultimate user for any drug or device, issued and
- 29 signed by a practitioner, or an order transmitted by other means of
- 30 communication from a practitioner, which is immediately reduced to
- 31 writing by the pharmacist, registered nurse, or other licensed health
- 32 care practitioner authorized by the hospital or institution. The order

1 shall contain the name and bed number of the patient; the name and
2 strength or size of the drug or device; unless specified by individual
3 institution policy or guideline, the amount to be dispensed either in
4 quantity or days; adequate directions for the proper use of the drug or
5 device when it is administered to the patient; and the name of the
6 prescriber.

7 "Drug regimen review" means the retrospective, concurrent, and
8 prospective review by a pharmacist of a patient's drug related history
9 that includes the following areas:

10 (1) Evaluation of prescriptions or drug orders and patient records
11 for drug allergies, rational therapy contradictions, appropriate
12 dose and route of administration, appropriate directions for use,
13 or duplicative therapies.

14 (2) Evaluation of prescriptions or drug orders and patient records
15 for drug-drug, drug-food, drug-disease, and drug-clinical
16 laboratory interactions.

17 (3) Evaluation of prescriptions or drug orders and patient records
18 for adverse drug reactions.

19 (4) Evaluation of prescriptions or drug orders and patient records
20 for proper utilization and optimal therapeutic outcomes.

21 "Drug utilization review" means a program designed to measure and
22 assess on a retrospective and prospective basis the proper use of drugs.

23 "Device" means an instrument, apparatus, implement, machine,
24 contrivance, implant, invitro reagent, or other similar or related article
25 including any component part or accessory, which is:

26 (1) recognized in the official United States Pharmacopoeia,
27 official National Formulary, or any supplement to them;

28 (2) intended for use in the diagnosis of disease or other conditions
29 or the cure, mitigation, treatment, or prevention of disease in man
30 or other animals; or

31 (3) intended to affect the structure or any function of the body of
32 man or other animals and which does not achieve any of its
33 principal intended purpose through chemical action within or on
34 the body of man or other animals and which is not dependent
35 upon being metabolized for the achievement of any of its
36 principal intended purposes.

37 "Investigational or new drug" means any drug which is limited by
38 state or federal law to use under professional supervision of a
39 practitioner authorized by law to prescribe or administer such drug.

40 "Legend drug" has the meaning set forth in IC 16-18-2-199.

41 "License" and "permit" are interchangeable and mean a written
42 certificate from the Indiana board of pharmacy for the practice of
43 pharmacy or the operation of a pharmacy.

44 "Nonprescription drug" means a drug that may be sold without a
45 prescription and that is labeled for use by a patient in accordance with
46 state and federal laws.

47 "Person" means any individual, partnership, copartnership, firm,
48 company, corporation, association, joint stock company, trust, estate,
49 or municipality, or a legal representative or agent, unless this chapter
50 expressly provides otherwise.

51 "Practitioner" means a physician licensed under IC 25-22.5, a

1 veterinarian licensed under IC 15-5-1.1, a dentist licensed under
 2 IC 25-14, a podiatrist licensed under IC 25-29, or any other person
 3 licensed by law to prescribe and administer legend drugs in this state.

4 "Pharmacist" means a person licensed under this chapter.

5 "Pharmacist extern" means a pharmacy student enrolled full-time in
 6 an approved school of pharmacy and who is working in a school
 7 sponsored, board approved program related to the practice of
 8 pharmacy.

9 "Pharmacist intern" means a person who is working to secure
 10 additional hours of practice and experience prior to making application
 11 for a license to practice as a pharmacist.

12 "Pharmacy" means any facility, department, or other place where
 13 prescriptions are filled or compounded and are sold, dispensed, offered,
 14 or displayed for sale and which has as its principal purpose the
 15 dispensing of drug and health supplies intended for the general health,
 16 welfare, and safety of the public, without placing any other activity on
 17 a more important level than the practice of pharmacy.

18 "The practice of pharmacy" or "the practice of the profession of
 19 pharmacy" means a patient oriented health care profession in which
 20 pharmacists interact with and counsel patients and with other health
 21 care professionals concerning drugs and devices used to enhance
 22 patients' wellness, prevent illness, and optimize the outcome of a drug
 23 or device, by accepting responsibility for performing or supervising a
 24 pharmacist intern, a pharmacist extern, or an unlicensed person under
 25 section 18(a)(4) of this chapter to do the following acts, services, and
 26 operations:

27 (1) The offering of or performing of those acts, service operations,
 28 or transactions incidental to the interpretation, evaluation, and
 29 implementation of prescriptions or drug orders.

30 (2) The compounding, labeling, administering, dispensing, or
 31 selling of drugs and devices, including radioactive substances,
 32 whether dispensed under a practitioner's prescription or drug
 33 order, or sold or given directly to the ultimate consumer.

34 (3) The proper and safe storage and distribution of drugs and
 35 devices.

36 (4) The maintenance of proper records of the receipt, storage,
 37 sale, and dispensing of drugs and devices.

38 (5) Counseling, advising, and educating patients, patients'
 39 caregivers, and health care providers and professionals, as
 40 necessary, as to the contents, therapeutic values, uses, significant
 41 problems, risks, and appropriate manner of use of drugs and
 42 devices.

43 (6) Assessing, recording, and reporting events related to the use
 44 of drugs or devices.

45 (7) Provision of the professional acts, professional decisions, and
 46 professional services necessary to maintain all areas of a patient's
 47 pharmacy related care as specifically authorized to a pharmacist
 48 under this article.

49 "Prescription" means a written order or an order transmitted by
 50 other means of communication from a practitioner to or for an ultimate

1 user for any drug or device containing the name and address of the
 2 patient, the name and strength or size of the drug or device, the amount
 3 to be dispensed, adequate directions for the proper use of the drug or
 4 device by the patient, and the name of the practitioner issued and, if the
 5 prescription is in written form, signed by a practitioner.

6 **"Qualifying pharmacist" means the pharmacist who will qualify**
 7 **the pharmacy by being responsible to the board for the legal**
 8 **operations of the pharmacy under the permit."**

9 "Record" means all papers, letters, memoranda, notes, prescriptions,
 10 drug orders, invoices, statements, patient medication charts or files,
 11 computerized records, or other written indicia, documents or objects
 12 which are used in any way in connection with the purchase, sale, or
 13 handling of any drug or device.

14 "Sale" means every sale and includes:

- 15 (1) manufacturing, processing, transporting, handling, packaging,
- 16 or any other production, preparation, or repackaging;
- 17 (2) exposure, offer, or any other proffer;
- 18 (3) holding, storing, or any other possession;
- 19 (4) dispensing, giving, delivering, or any other supplying; and
- 20 (5) applying, administering, or any other using."

21 Page 2, delete lines 5 through 9, begin a new paragraph and insert:

22 **"(c) The board shall permit a pharmacist to serve as a qualifying**
 23 **pharmacist for more than one pharmacy holding a type II**
 24 **pharmacy permit upon the holder of the type II permit showing**
 25 **circumstances establishing that:**

- 26 (1) the permit holder has made a reasonable effort, without
- 27 success, to obtain a qualifying pharmacist who is not serving
- 28 as a qualifying pharmacist at another type II pharmacy; and
- 29 (2) the single pharmacist could effectively fulfill all duties and
- 30 responsibilities of the qualifying pharmacist at both
- 31 locations."

32 Renumber all SECTIONS consecutively.

(Reference is to SB 433 as printed March 2, 2001.)

Senator JOHNSON